

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-451

November 6, 2001

S.D. WARREN COMPANY
Petition to Establish Power Purchase
Agreement Rate Pursuant to
P.L. 2000, Chapter 730

ORDER APPROVING
BID PROCESS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

Through this Order, we approve the proposed bid process to obtain a power supply for S.D. Warren's Somerset Mill and to sell Central Maine Power Company's (CMP) entitlement to the Somerset generation.

II. BACKGROUND AND DECISION

On July 5, 2001, S.D. Warren filed a petition to establish PPA rates for its Somerset Mill. The parties and the advisory staff have had several discussions regarding possible settlement approaches. The parties were unable to reach a comprehensive settlement, but agreed to conduct a bid process to obtain power supply for the Mill and to sell CMP's entitlement to the Somerset generation. The bid term would be for a one-year term beginning March 1, 2002, and the process would be conducted jointly by S.D. Warren, CMP, and our staff. Concurrent with this bid process, litigation of all issues related to the Somerset Mill PPA rates would commence.

On November 1, 2001, S.D. Warren filed a document detailing the proposed joint bid process along with a draft request for proposal (RFP). We have reviewed the proposed process and draft RFP and find them reasonably designed to obtain the most value for the combined retail purchase and entitlement sale transaction consistent with prevailing market prices for supply for the Somerset load and the generation entitlement. Accordingly, we hereby approve the proposed process.

Dated at Augusta, Maine, this 6th day of November, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent

Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.